27. Difficulties experienced by Jenmies under the present Jenmi-Kudiyan Regulation.

Mr. Trivikramar Vasudevar (Member, Jenmi, Trivandrum Division) represented that the Jenmi-Kudiyan Amendment Bill should be introduced in the Legislative Council only after hearing the objections the Jenmies had to make with a view to safeguard their interests, which were hardly represented in the Council. He next referred to the replies given the previous day to the two representations of the Kottayam Jenmi-Member. He said that the rule that the tax on *pandarapattom* lands demised on *kanom* would be realised only from the pattadar Jenmi worked hardship, for the Jenmi would be able to recover the amount from the defaulting tenants only after 12 years. To remove this difficulty he suggested that, without seeking the help of the legislature, it might be ruled that the tax would be recovered from tenants as per list of tenants supplied to Government by the Jenmi, and that, if that was considered impracticable, there would be no objection to the Jenmi even to a *pokkuvaravu* patta being issued to the tenants.

The President observed that the above prayer was against the provisions of the Revenue Recovery Regulation and that it would lead to the Jenmi's land being sold in auction without his knowledge for arrears of tax due on the land.

To this the Member replied that, in that case, it would be enough if the old arrangement of allowing the occupant of the land to pay tax in the name of the registry-holder was re-introduced.

He next spoke about the hardship of the new decision of the High Court in the matter of compensation due to the Jenmi on kanom lands acquired for public purposes. Under the old practice the Jenmi was entitled to a three-fourth share of the compensation in the land and to a one-fourth share in the trees.

President's reply.—The Jenmi-Kudiyan Regulation Amendment Bill has been drafted by the Additional Head Sirkar Vakil and submitted to the Government. It will be arranged to be published in the Gazette and introduced at the next meeting of the Council.

In regard to the difficulty you mention *re.* the demand of tax from Jenmies in respect of *pandarapattom* lands demised by them on *kanom*, I shall see that an amendment is introduced in the demand notice *re.* payment of kist, enabling *kanomdars* in such cases to tender payments in *pakuthi* cutcherries on behalf of the pattadars. Nothing more appears necessary. There is no difficulty in respect of the payment of tax on Jenmom lands demised on *kanom*.

28. Administration of Civil Justice.

Mr. H. Anantasubrahmanya Aiyar (Member, Tovala taluk) premised his representation by saying that his endeavour was to propose means to expedite, as far as possible, the trial of cases in civil courts, to reduce the strength and cost of the Judicial Department, and thereby to bring down the litigious spirit of the people. He then dealt with the statistics of the Munsiffs' and District Courts here and in British India and pointed out that the total charges here for civil administration in 1098 amounted to Rs. 10,42,600 which worked out at Rs. 15 nearly per suit, while in the Madras Presidency the total charges for 1915 amounted to Rs. 21,39,218, the average charge per suit being a little below Rs. 4.

The Member complained that at present summons was not generally served on the parties and many tricks were played by the process-servers in collution with the plaintiffs. A plaintiff was able to obtain a decree and execute the same without giving any information to the defendant who came to know about the case only after the amin appeared to attach his movables. To remedy this defect he proposed that summonses be served through the agency of the Pakuthi officers who were expected to know each and every person in their *pakuthies*. The service must also be made compulsory before the cases were proceeded with. The Member said that the practice of granting any number of adjournments to the defendants for filing written statements and depositing the bundles for almost a year and more in a safe corner in the Munsiff's house for framing issues should be put a stop to and the issues be

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ordered to be framed at the next hearing after the filing of the written statements in the open court and in the presence of the vakils as was being done in the courts of the Madras Presidency. The plaintiff should then be examined first and in case of necessity his witnesses, after which alone the defendant and his witnesses should be examined. The practice now obtaining of examining the witnesses first and delivering judgment without examining the plaintiff and the defendant was wrong and led to miscarriage of justice. The Member next suggested that the posting of cases should be so regulated that the cases posted for a single day should invariably be disposed of the same day, as the posting of many cases for a single day and sending parties and their witnesses back without examining them caused much loss and hardship. Of course, the necessary safeguard was provided in Rule 515 of the new Civil Courts' Guide, but it was not observed in practice. The provisions of Rules 511 to 519 of the new Civil Courts' Guide were not adhered to in practice and means should be found to compel the officers concerned to carry out the instructions contained in those rules. The present system of cases being posted by the clerks, though contrary to the law on the subject and provisions of the new Civil Courts' Guide, was still continued to the intense annoyance and inconvenience of the public and the Member urged that it should be stopped forthwith and that all postings should be made by the officer himself in the open court.

The Member then referred to the great delay in the disposal of cases and suggested the appointment of a committee of non-officials presided over by an official, preferably by a High Court Judge, to devise methods to bring down the duration of suits and all the other evils arising therefrom. The scope of enquiry might comprise the following items:—

1. To reduce the number of Judges and to have as far as possible only one District Court and one Munsiff's Court at one place.

2. To reduce the subordinate establishment in proportion.

3. To fix the duration of a suit as far as possible as was now done in the case of small cause suits.

4. To determine the exact procedure to be adopted in the disposal of cases and to see that those rules were enforced in practice.

5. To bring into immediate existence Village Panchayat Courts in each village or group of villages to attend to all suits below the value of Rs. 100 or so and petty criminal courts similar to village Munsiffs' Courts in the Madras Presidency.

6. To thoroughly overhaul the existing arrangement and to suggest speedy methods on the execution side.

With a view to reduce the number of courts the Member suggested that all the Government suits the value of which was below Rs. 2,000, all land acquisition references and all trust suits the arbitrary value of which might be reduced to below Rs. 2,000, should be ordered to be tried by the Munsiffs' Courts instead of by the District Courts, as in British India. He said that, if that was done, only one Judge in a station would be required to try the other cases and six District Courts would be found sufficient. To lighten the work of the Munsiffs the Member suggested that all small cause suits should be transferred to Village Panchayat Courts to be opened at every village or group of villages, thereby reducing the number of suits in the Munsiffs' Courts by about 33 per cent., which would enable the Government to reduce the number of Munsiffs' Courts also by 33 per cent.

He then pointed out what seemed to him to be an error in the distribution of the courts in the country. An administrative unit, whether it was a taluk or a Division, should be self-sufficient. It should have a Tahsildar, a Munsiff, a Magistrate, a Police Officer and a Sub-Registrar. In that view the Tovala taluk was neglected. At present there were only a Tahsildar and a Sub-Registrar. If Tovala was to be retained as an administrative unit the other offices referred to above should be opened there; otherwise that taluk should be amalgamated with the adjoining taluks.

The Member observed that, unless the officers gave up their so-called prestige and were willing to associate the public in their work and became amenable to public opinion, it was hopeless to expect any improvement in the administration and that it

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should be the aim of every Government servant to see that the expenditure incurred was brought to a minimum and the convenience of the public under that minimum expense was brought up to the maximum. The Member bewailed that, though the pay of the officials in Travancore was almost equal to that obtaining in the Madras Presidency, their efficiency was very low.

He then dealt with what he called the mystery of execution proceedings. Many of the officers themselves did not understand that mystery. They entirely depended upon the execution clerks who were all in all in that section of the office. If a clerk secured the execution clerk's place, his fortune was made. The Member said that he was of opinion that, when the Government undertook to collect the dues of a certain person receiving a fee for doing so, they were bound to complete the contract on their part without any additional payment, that when the plaintiff obtained a decree against the defendant in a suit, the Government as per previous contract were bound to collect the amount from the defendant and pay it to the plaintiff without any additional cost, and that receiving a fee separately for executing the decree was therefore against the original contract. The Government could collect the decree amount without incurring any additional expense through the existing agency of the Revenue authorities, *i. e.*, through the *pakuthi* officers, as they were doing now in the matter of the collection of their land revenue. It was not difficult to accomplih this with the existing machinery, if one or two clerks were added to the establishs ment of the Proverthikar and the decree transferred to the Proverthikar, who should be made to collect the amount as part of the revenue, remit it to the taluk treasury and give information to the Court concerned. The Court should issue a cheque to the party concerned who might cash it at the treasury. This would reduce a good deal of worry to the public and expenditure to the Government.

In regard to Panchayat Courts the Member said that the system of conducting every business from serving summons up to execution through low-paid process servers was open to all the objections enumerated above, and suggested that these duties too might be performed by the *pakuthi* officer. He also stated that the system of hearing cases only by a minimum bench of three judges worked great hardship on the public, since on almost all days the quorum was not formed and the public had to go away disappointed. To remedy this defect he suggested that, if one of the judges happened to be a retired judicial officer, he ought to be permitted to dispose of the cases sitting alone, if there was no quorum, until the people learnt more responsibility and did their work without unwillingness. The President of the Court should also be given control over the other judges in the matter of attendance, and the proposal to bring into existence Village Panchayat Courts should be expedited so that the litigant public might be benefited and litigation reduced.

He added that the vakils in this State contributed their quota to the delay in the disposal of suits without knowing that thereby their income decreased, and hoped that they would realise the danger of prolonging and creating litigation and try their best in the public interest to bring down the duration of suits.

29. Administration of Civil Justice, with special reference to the difficulties experienced by the litigant public on account of the working of the new Civil Courts' Guide.

Mr. R. Raman Pillai (Member, Quilon Taluk) said that, in spite of repeated representations on the defects of the administration of civil justice, nothing substantial had so far been done either by the High Court or by the Government to remedy those defects. He mentioned that various difficulties were being experienced by the people owing to the absence of definite statutory provisions on matters of contract, transfer of property and evidence, and remarked that recent criticisms in the newspapers and the Travancore Law Journal about civil administration in general, and the High Court in particular, should convince the High Court that the public were not satisfied with their doings. The Member stated that one of the chief complaints against the High Court was that there was no consistency in their decisions and as an instance he mentioned that as many as four conflicting decisions were passed by the High Court as regards Section 17 of the Nayar Regulation. Another complaint made by the Member was with respect to the daily increase of

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